

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1188 – SB 1145

April 3, 2017

SUMMARY OF ORIGINAL BILL: Creates the legislative Select Oversight Committee on TennCare to be composed of seven members to be appointed by the Speaker of the Senate and seven members to be appointed by the Speaker of the House of Representatives. Authorizes the Committee to conduct hearings, employ staff, and enter into contracts for technical or professional services. Requires the Committee to meet at least quarterly and at the call of the Chair. Requires the Committee to report on its activities to each member of the General Assembly. Unless continued for five years by the General Assembly, the Committee terminates on June 30, 2020. Directs the Committee to conduct an independent study of the TennCare pharmacy program and to report on its findings and recommendations by January 15, 2018, to the Chair of the Senate Health and Welfare Committee and to the Chair of the Health Committee of the House of Representatives.

Requires the Bureau of TennCare to file an annual report setting forth data and statistics relative to health care provided to women. Requires the Bureau of TennCare and the Department of Finance and Administration to develop data measures to assess the effectiveness of presumptive eligibility, the distribution of providers for each managed care organization (MCO) for TennCare enrollees within each grand division, and the incidences of early prenatal care for TennCare recipients. Requires the MCOs to report regularly to the TennCare Bureau using such data measures. Requires such reports to be provided to the TennCare Oversight Committee and to the Speakers of each house. The first annual report is due by December 1, 2018. Requires the Bureau of TennCare to file a quarterly report regarding the status of TennCare reforms and improvements, progress of annual re-verification of all TennCare recipients, status of filing top-leadership positions in the Bureau, number of recipients in the TennCare program, viability of MCOs and providers in the TennCare program, and the success of fraud detection and prevention. Requires a copy of such report to be sent to the TennCare Oversight Committee, the Office of Legislative Budget Analysis, and the Fiscal Review Committee (FRC) within 15 days of the end of each quarter.

Creates a Select Oversight Committee on Children's Services composed of five members of the Senate Health and Welfare Committee to be appointed by the Speaker of the Senate and five members of the House Health Committee to be appointed by the Speaker of the House of Representatives. Requires the Committee to meet monthly and authorizes the Committee to conduct public hearings. Requires the Committee to report annually to the Governor and the General Assembly. Requires the Departments of Children's Services (DCS) and Finance and Administration (F&A) and the FRC to provide the Committee with any financial and any additional information the Committee may require. Requires the Committee to regularly perform legislative oversight of DCS until services for children and their families have improved substantially so that such oversight is no longer needed.

Creates a 17-member Select Oversight Committee on Correction for the purpose of improving planning for facilities and programs, creating a better working environment for correction management, and ensuring implementation of proposed improvements in the correctional system. The Governor will appoint three members, the Speaker of the Senate will appoint seven members, and the Speaker of the House of Representatives will appoint seven members.

Requires the Committee to meet at least quarterly with members being entitled to reimbursement in the same manner as set forth in Tenn. Code Ann. § 3-1-106. Prohibits members from receiving additional reimbursement when the General Assembly is in session.

Requires the Committee to submit a report of its activities to each member of the General Assembly by January 15 of each year. Authorizes the Committee to enter into contracts for technical and professional services. The Speaker of the Senate and the Speaker of the House of Representatives must jointly determine the qualifications, task, and job description of any consultant contracted for such services.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Exceeds \$351,100

SUMMARY OF AMENDMENT (006651): Deletes and rewrites the bill such that the substantive changes are as follows:

- Deletes language from the original bill which created the 17-member Select Oversight Committee on Correction;
- Adds contingencies for the Select Oversight Committee on TennCare to employ staff or to enter into contracts for technical or professional services, if legislative staff are unable to staff the committee or provide the relevant professional services required of the Committee;
- Sets the number of meetings for the Select Oversight Committee on TennCare to be at least three during the legislative session, rather than at least quarterly, with other meetings being subject to the call of the chair;
- Removes the sunset provision applicable to the Select Oversight Committee on TennCare;
- Requires Speaker of the House to appointment the five required members to the Select Oversight Committee on Children's Services from the House Civil Justice Committee, rather than from the House Health Committee;
- Sets the number of meetings for the Select Oversight Committee on Children's Services to be twice a month during the legislative session, rather than monthly, with other meetings being subject to the call of the chair;
- Adds the Department of Human Services (DHS) to the list of entities required to provide the Select Oversight Committee on Children's Services with any financial or other relevant information as it may require;

- Adds the DHS to the list of entities for which the Select Oversight Committee on Children's Services shall perform legislative oversight; and
- Establishes that both oversight committees created by this legislation shall cease to exist as of June 30, 2020.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – Exceeds \$211,600/FY17-18
Exceeds \$211,600/FY18-19
Exceeds \$211,600/FY19-20

Assumptions for Select Oversight Committee on TennCare:

- Public Chapter 410 of 2011 eliminated several joint legislative committees including the Select Oversight Committee on TennCare. At the time, the Committee was abolished there was an executive director and a legislative administrative assistant. Estimate assumes the same staffing level. The budgeted amount for the Select Oversight Committee on TennCare for FY2009-10 was \$191,700 and was used in the Special Report on Joint Oversight Committees issued in 2011 by the Comptroller's Office.
- It is assumed a similar amount will be budgeted to reestablish the Select Oversight Committee on TennCare. A recurring increase in state expenditures of \$191,700 which includes operational costs (\$12,800), staff salaries (\$132,300), and benefits (\$46,600).
- Legislative members will receive per diem plus travel expenses when committee meetings are called and when the General Assembly is not otherwise in legislative session.
- There are 14 legislative members of the Select Oversight Committee on TennCare.
- Pursuant to the provisions of the bill as amended, the Select Oversight Committee on TennCare shall meet at least three times during the legislative session and at least twice outside the legislative session at the call of the chair.
- Legislative members will receive \$220 per diem plus travel reimbursement of \$0.47 for an estimated 262 roundtrip miles for each one-day meeting.
- The recurring increase in state expenditures for travel expenses for members of the Select Oversight Committee on TennCare is estimated to exceed \$9,608 [(14 members x \$220 x 2 minimum meetings outside the legislative session) + (14 members x \$0.47 x 262 miles x 2 minimum meetings outside the legislative session)].
- The required annual reports, development of data measures to assess the effectiveness of presumptive eligibility, incidences of early prenatal care, independent study of the TennCare pharmacy program, and quarterly reports were in statute prior to 2011 and are being restored by the proposed bill as amended. The Bureau of TennCare will not require any additional resources to resume the requirements of the bill as amended.
- The total recurring increase in state expenditures for the Select Oversight Committee on TennCare is estimated to exceed \$201,308 (\$191,700 + \$9,608).
- Any increase in state expenditures for reporting is estimated to be not significant.

Assumptions for Select Oversight Committee on Children's Services:

- There are 10 legislative members of the Select Oversight Committee on Children's Services.
- Pursuant to the provisions of the bill as amended, the Select Committee on Children's Services shall meet twice a month during the legislative session and at least three times outside the legislative session at the call of the chair.
- The recurring increase in state expenditures for travel expenses for members of the Select Oversight Committee on Children's Services is estimated to exceed \$10,294 [(10 members x \$220 x 3 minimum meetings outside the legislative session) + (10 members x \$0.47 x 262 miles x 3 minimum meetings outside the legislative session)].
- Any increase in state expenditures for reporting is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/rnc